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ATTORNEYS FOR DEEFENDANT, PETER YANG

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER YANG,

Defendant.

**Case No.: 1:23-CR-00038 JLT-SKO**

**STIPULATION and ORDER TO  
CONTINUE STATUS CONFERENCE**

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel that the status conference in the above-captioned matter now set for July 3, 2024, be continued to December 18, 2024, at 1:00 p.m.

In the Court's Minute Order of June 5, 2024, the Court "directed" the parties "to meet and confer and select a mutually convenient date for trial", however, the defense is not in a position to "select a trial date" as he still needs additional time in which to review, and obtain, discovery, conduct further investigation and research related to the charges, conduct research into mitigating factors, consult with my client, discuss a potential plea with the government and to

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2 More specifically, the continuance will allow counsel additional time in which to  
3 obtain discovery from the government, as well as necessary records from the Veteran's  
4 Administration Hospital, and the U.S. Air Force (Mr. Yang served in the U.S. Air Force from 2009  
5 to 2015, and Defendant is in the process of receiving his V.A. medical records and his Air Force  
6 military records. Defense counsel understands this process can be lengthy), the latter records  
7 potentially providing significant mitigating factors, important for sentencing purposes.  
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9 As for the need to consult with my client, only recently Mr. Yang was moved from  
10 the Fresno County jail to the Detention Facility in Taft, California, an approximately 2 hour trip  
11 from Fresno. Given the nature of the charges, Defense Counsel intends to meet with Mr. Yang in  
12 person in order to discuss his case, mitigating factors, investigation, the sentencing guidelines, and  
13 any government offer and how the federal guidelines will affect his sentence.  
14

15 Mr. Yang is charged in Count 1 with a violation of 18 USC sec. 2251(a), carrying  
16 a mandatory minimum of 15 years, and Count 2 with 18 USC sec. 2422(b), carrying a mandatory  
17 minimum of 10 years. No plea offer has yet been made by the government. This continuance will  
18 allow time to complete his investigation so that he will be in a position to discuss a potential plea  
19 with the government.  
20

21 Counsel for the defendant would also point out that Mr. Yang was released on  
22 Pretrial Release in March 2023, but was arrested in early October 2023, for violations of his Pretrial  
23 Release that included his use of a cell phone with internet capabilities. And after a contested  
24 hearing his Pretrial Release was revoked in November 2023. As a result of this conduct, the  
25 government seized his cell phones, and obtained a search warrant resulting in the production of a  
26

1  
2 significant amount of discovery. And, though the government has advised that they “don’t  
3 anticipate filing a new charge based on content from the phone seized in MN. It’s likely some of  
4 the evidence will still be relevant to sentencing...” requiring additional time in which to review  
5 this additional discovery.  
6

7 Counsel for the defendant believes that failure to grant the above-requested  
8 continuance would deny him the reasonable time necessary for effective preparation for trial,  
9 taking into account the exercise of due diligence.

10 This continuance will conserve time and resources for both parties and the court.

11 The government does not oppose this request for a continuance.

12 The parties agree that the delay resulting from the continuance shall be excluded in  
13 the interests of justice, including, but not limited to, the need for the period of time set forth therein  
14 for effective defense preparation pursuant to 18 U.S.C. §§3161(h)(7)(A), (B)(ii), and (iv).  
15

16 Dated: June 24, 2024

PHILLIP A. TALBERT  
United States Attorney

17  
18  
19 By: /s/ David Gappa  
20 DAVID GAPPA  
21 Assistant United States Attorney,  
Attorney for Plaintiff

22 Dated: June 24, 2024

HARRY M. DRANDELL  
Law Offices of Harry M. Drandell

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24  
25 By: /s/ Harry M. Drandell  
26 HARRY M. DRANDELL  
27 Attorney for Defendant,  
PETER YANG

**ORDER**

IT IS HEREBY ORDERED that the Status Conference presently set for July 3, 2024, at 1:00 p.m. is continued to December 18, 2024, at 1:00 p.m. to be heard before the Honorable Sheila Oberto, Courtroom 7.

DATED: 6/24/2024

*Sheila K. Oberto*  
HONORABLE SHEILA OBERTO  
United States Magistrate Judge